

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LURALEEN (LORI) LUTZ,	§	
	§	No. 101, 2009
Plaintiff Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
LANCASTER PIKE STUART, LLC,	§	
and PATHMARK STORES, INC.,	§	
	§	
Defendants Below,	§	C.A. No. 07C-07-041
Appellees.	§	

Submitted: February 27, 2009

Decided: March 10, 2009

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

ORDER

This 10th day of March 2009, it appears to the Court that:

(1) The plaintiff-appellant, Luraleen (Lori) Lutz, has petitioned this Court, pursuant to Supreme Court Rule 42 (“Rule 42”), to appeal from the Superior Court’s interlocutory order of January 30, 2009, which granted the defendants-appellees’ motion to vacate default judgments. By order dated February 26, 2009, the Superior Court denied Lutz’ application for certification on the ground that the criteria of Rule 42 had not been met.¹

¹ *Lutz v. Lancaster Pike Stuart, LLC*, 2009 WL 537057 (Del. Super.).

(2) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in exceptional circumstances.² The Court has examined the Superior Court's January 30, 2009 order according to the criteria set forth in Rule 42. In the exercise of its discretion, the Court has concluded that exceptional circumstances such as would merit interlocutory review of the Superior Court's order do not exist in this case.

NOW, THEREFORE, IT IS HEREBY ORDERED that the interlocutory appeal is REFUSED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

² Del. Supr. Ct. R. 42(b), (d)(v).